

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



September 25, 2003

Regulation Package #0402-10

CDSS MANUAL LETTER NO. CWS-03-01

TO: HOLDERS OF THE CHILD WELFARE SERVICES MANUAL, DIVISION 31

**Regulation Package #0402-10****Effective 7/22/03****Sections 31-002, 31-075, 31-401, 31-405, 31-410, 31-420, 31-440, and 31-445**

This manual letter has been posted on the Office of Regulations Development website at [http://www.dss.cahwnet.gov/ord/ChildWelfa\\_613.htm](http://www.dss.cahwnet.gov/ord/ChildWelfa_613.htm).

Assembly Bill 1695 (Chapter 653, Statutes of 2001) modifies existing statutes in various substantive and technical ways. The new statutes made the following changes:

- Includes as exempt from the California Community Care Facilities Act, the approved homes of relatives and nonrelative extended family members.
- Revises the requirements for licensure of foster family homes.
- Authorizes the Department of Justice to provide subsequent arrest notification to public agencies for the approval of relative caregivers and nonrelative extended family members.
- Clarifies that the standards used to evaluate and grant or deny approval of the home of a relative or the home of a nonrelative extended family member for the placement of a child shall be the same standards as set forth in regulations for licensing foster family homes.
- Clarifies safety requirements regarding placement in a relative's home in specified instances.
- Clarifies the list of homes into which a dependent child or a ward of the juvenile court may be placed to specifically include the approved home of a relative or the home of a nonrelative extended family member.

These regulations were considered at the Department's public hearing held on September 25, 2002.

**Editorial Correction**

The headers on two pages were found to be incorrect and are being corrected and released with this manual letter.

**FILING INSTRUCTIONS**

**All new revisions are indicated by a vertical line in the left margin. Revisions shown in graphic screen will continue to be shown in that manner until new revisions are done to those pages.** The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Child Welfare Services Manual changes was CWS-02-01.

**Page(s)**

6 through 6.2  
10  
19 through 22  
36

**Replace(s)**

Pages 6 through 6.1  
Page 10  
Pages 19 through 22  
Page 36

Page(s)

99  
100.6 through 102.1  
103  
107 through 108.1

Replace(s)

Page 99  
Pages 100.6 through 102.1  
Page 103  
Pages 107 and 108

Attachments  
RG

## **DIVISION 31 CHILD WELFARE SERVICES PROGRAM**

### **CHAPTER 31-000 GENERAL REQUIREMENTS**

<b>31-001</b>	<b>GENERAL</b>	<b>31-001</b>
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- .1 The requirements specified in Sections 31-005 through 31-525 shall be met by the county in the administration of child welfare services.
- .2 The requirements specified in Section 31-001 through Section 31-525 shall be met by county probation departments when placing children in out-of-home care.
- .3 The following special provisions shall also apply:
  - .31 Provision of services to a child or family when the child is under the jurisdiction of Interstate Compact on the Placement of Children shall be subject to the additional requirements specified in Section 31-510.
  - .32 Provision of services to an Indian child shall be subject to the additional requirements specified in Sections 31-515 and 31-520.
  - .33 Provision of services to each child in placement age 16 or older shall be subject to the additional requirements specified in Section 31-525.
  - .34 Provision of services to a child or family when the child is placed out-of-county shall be subject to the additional requirements specified in Section 31-505.
  - .35 Pursuant to Section 472 of the Social Security Act and Welfare and Institutions Code Sections 727 and 11404, a written agreement shall be in effect between the probation department and the welfare department in order to claim federal and/or state AFDC-FC for costs of care for foster children supervised by a probation department.

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- .351 Chapter 29-400 of the Manual of Policies and Procedures (MPP) provides in Handbook a sample of the written agreement executed between the probation department and county welfare department, along with the requirements for maintenance of these agreements.

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NOTE: Authority Cited: Sections 10553, 10554, 16520, and 16521, Welfare and Institutions Code and Assembly Bill 1695, Section 21. Reference: Sections 361.2(c) and (d), 727, 11404, 16520, and 16521, Welfare and Institutions Code; Section 7901, Family Code; 25 USCA Section 1901 et seq.; and 42 USC Sections 675 and 677.

<b>31-002</b>	<b>DEFINITIONS</b>	<b>31-002</b>
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- (a) (1) "Administrative review" means a review open to the participation of the parents of a child in foster care conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review.
- (2) "Adult" means a person 18 years of age or older.
- (3) "Advocate" means the person or persons authorized to provide advocacy services pursuant to Section 5520 et seq. of the Welfare and Institutions Code.
- (4) "Agreement" means a written document signed by two or more persons specifying what each person plans and agrees to do and/or not do with regard to accomplishing specifically stated objectives.
- (5) "Aid to Families With Dependent Children – Foster Care (AFDC-FC)" means aid provided on behalf of needy children in foster care who meet the eligibility requirements as specified in CDSS regulations and in applicable state and federal laws.
- (6) "Approval Agency" means the agency that has the responsibility to approve the homes of relative and non-relative extended family members as meeting the same standards as those set forth in California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3.
- (7) "Approval Document" means a non-transferable form by which the approval agency certifies a specific relative or nonrelative extended family member at a specific location meets the standards as specified in California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3, and includes any documented alternative plan.
- (8) "Approval Standards" means the caregiver standards as set forth in California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3 and MPP Section 31-445 that must be met before a foster family home license or approval can be issued.
- (9) "Approved Foster Family Home" means the home of a relative or nonrelative extended family member that is exempt from licensure and approved as meeting the same standards as licensed foster family homes as set forth in Foster Family Home Regulations, Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3. For the purposes of this section, an "approved foster family home" shall include the home of a person related to the child by birth or adoption within the fifth degree of kinship, as defined in Welfare and Institutions Code Section 361.3(c)(2), regardless of whether the parent's rights to the child have been terminated or relinquished.

<b>31-002</b>	<b>DEFINITIONS (Continued)</b>	<b>31-002</b>
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- (10) "Assessment" means a written document which contains information relevant to the case situation and an appraisal of case services needs.
- (b) (1) "Boarding home" means a small family home or foster family home.
- (c) (1) "California Department of Justice Clearance" means an individual has submitted his or her fingerprints to the California Department of Justice (DOJ). DOJ has conducted a fingerprint search of its criminal records, and this search did not generate a report that the individual has any felony or misdemeanor convictions, other than a minor traffic violation.
- (2) "Case management" means a service-funded activity performed by the social worker which includes assessing the child's/family's needs, developing the case plan, monitoring progress in achieving case plan objectives, and ensuring that all services specified in the case plan are provided.
- (3) "Case plan" means a written document which is developed based upon an assessment of the circumstances which required child welfare services intervention; and in which the social worker identifies a case plan goal, the objectives to be achieved, the specific services to be provided, and case management activities to be performed.
- (4) "Case plan update" means a written document which contains any changes regarding the information in the case plan and includes specific information about the current condition of the child and family.
- (5) "Case record" means a record for each child receiving child welfare services beyond the emergency response protocol, that contains all of the documentation requirements specified by the Division 31 regulations.
- (6) "Certified" means a community treatment facility that has been approved by the California Department of Mental Health as complying with the standards established for that program.
- (7) "Certified family home" means a family residence certified by a licensed foster family agency and issued a certificate of approval by that agency as meeting licensing standards, and used only by that foster family agency for placements.
- (8) "Child" means a person under 18 years of age or a person up to 19 years of age who meets the requirements of Section 11403 of the Welfare and Institutions Code. For community treatment facilities, child means a person under 18 years of age who is seriously emotionally disturbed as defined in Section 5600.3 of the Welfare and Institutions Code, including those individuals 18 through 21 years of age as specified in Section 1924(b) of the California Code of Regulations, Title 9, Chapter 11.

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California Code of Regulations, Title 9, Section 1924(b) states:

"(b) Individuals who are special education pupils identified in paragraph (4) of subdivision (c) of Section 56026 of the Education Code and who are placed in a CTF prior to age eighteen pursuant to Chapter 26.5 of the Government Code may continue to receive services through age 21 provided the following conditions are met:

"(1) They continue to satisfy the requirements of subsection (a).

"(2) They have not graduated from high school.

"(3) They sign a consent for treatment and a release of information for CTF staff to communicate with education and county mental health professionals after staff have informed them of their rights as an adult.

"(4) A CTF obtains an exception from the California Department of Social Services to allow for the continued treatment of the young adult in a CTF."

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- (9) "Child abuse" means the nonaccidental commission of injuries against a person. In the case of a child, the term refers specifically to the nonaccidental commission of injuries against the child by or allowed by a parent(s)/guardian(s) or other person(s). The term also includes emotional, physical, severe physical, and sexual abuse as defined in Sections 31-002(c)(7)(A) through (D).
- (A) "Emotional abuse" means nonphysical mistreatment, the results of which may be characterized by disturbed behavior on the part of the child such as severe withdrawal, regression, bizarre behavior, hyperactivity, or dangerous acting-out behavior. Such disturbed behavior is not deemed, in and of itself, to be evidence of emotional abuse.
- (B) "Physical abuse" means nonaccidental bodily injury that has been or is being inflicted on a child. It includes, but is not limited to, those forms of abuse defined by Penal Code Sections 11165.3 and .4 as "willful cruelty or unjustifiable punishment of a child" and "corporal punishment or injury."

<b>31-002</b>	<b>DEFINITIONS (Continued)</b>	<b>31-002</b>
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- (33) "California Law Enforcement Telecommunications System (CLETS)" means law enforcement or other governmental agency maintained state summary of a person's criminal history information pursuant to Welfare and Institutions Code Section 16504.5.
- (34) "Criminal Records Check" means an inquiry into the CLETS and the submission of two sets of fingerprints to the Department of Justice for the purpose of reviewing a person's criminal history in accordance with Health and Safety Code Section 1522.1.
- (35) "Criminal Records Clearance" means an individual has a California Department of Justice clearance and an FBI clearance or evidence of compliance with FBI requirements as specified in Health and Safety Code Section 1522(d)(1)(D).
- (36) "Crisis intervention" means determining the cause of the crisis; offering support to all family members; defusing the situation; and assessing the potential for harm to all family members.
- (d) (1) "Day care" means day care as described by Health and Safety Code Section 1596.750 in defining a child day care facility.
- (2) "Department" means the California Department of Social Services (CDSS).
- (3) "Discharge Plan" means a systematic, coordinated transition plan created for a child under the age of six who is leaving a group home placement to return to family or kin or to a foster family home placement in which the social worker prescribes the follow-up services to be provided to support the child and the child's family and the duration of such services.
- (4) "Documented Alternative Plan" means a written authorization for a foster family home to use an alternative, based on a unique need or circumstance specific to a child being considered for placement, to meet the intent of a specified standard as permitted in California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3.
- (e) (1) "Eligible" means entitled to receive necessary child welfare services.
- (2) "Emergency assessment" means an immediate determination of the suitability of a relative or nonrelative extended family member by a county welfare department or probation department for the temporary placement of a child, based on an in-home inspection to assess the safety of the home, the ability of the individual to care for the child during the temporary period, and a consideration of the results of a criminal records check and a check of reports of suspected child abuse or neglect.

31-002	DEFINITIONS (Continued)	31-002
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- (3) "Emergency Assistance" means the program which supports services to families for the purpose of alleviating emergency situations that meet certain criteria as specified in the Title IV-A State Plan implementing 45 CFR 233.120.
- (4) "Emergency in-home caretaker" see definition of "Temporary in-home caretaker."
- (5) "Emergency response assessment" means an assessment of an emergency response referral conducted by a social worker skilled in emergency response for the purpose of determining whether an in-person investigation is required.
- (6) "Emergency response in-person investigation" means a face-to-face response by a social worker skilled in emergency response for the purpose of determining the potential for or the existence of any condition(s) which places the child or any other child in the household at risk and in need of services and which would cause the child to be a person described by Welfare and Institutions Code Sections 300(a) through (j).
- (7) "Emergency response protocol" means the documented activities of the emergency response social worker necessary to determine whether or not an in-person investigation is appropriate.
- (8) "Emergency response referral" means a referral that alleges child abuse, neglect, or exploitation as defined by Penal Code Section 11165 et seq. and the Division 31 regulations. An emergency response referral does not include inappropriate inquiries such as those regarding aid payments, Medi-Cal cards, etc.
- (9) "Emergency response services" means those services described in Welfare and Institutions Code Section 16501(f).
- (10) "Emergency shelter care" means the provision of a protective environment for a child who must be immediately removed, pursuant to Welfare and Institutions Code Section 300, from his/her own home or current foster care placement, and who cannot be immediately returned to his/her own home or foster care placement.
- (11) "Exemption" means the approval agency has determined that an individual who does not have a criminal records clearance pursuant to Health and Safety Code Section 1522(g) is qualified for the waiver of disqualification allowed under Welfare and Institutions Code Section 361.4(d)(2).



<b>31-005</b>	<b>CHILD WELFARE SERVICES PROGRAM SUPPORT ACTIVITIES</b>	<b>31-005</b>
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- .1 The county shall perform the following program support activities:
- .11 Establish an effective system of preplacement preventive services for children through liaison with the courts, and with probation, law enforcement, and other public and private agencies.
    - .111 Such system shall provide for cooperative working arrangements with other county and community agencies for receiving appropriate referrals, and for developing remedial resources for the protection of children.
  - .12 Actively recruit competent placement providers and facilities that will aid in the attainment of the goals in the children's case plans and meet the varied needs of children for such care.
  - .13 Ensure that county staff are aware of the policies and programs that are available through placement facilities to ensure their effective use.
  - .14 Encourage community planning to meet children's needs by performance of the following activities:
    - .141 Delineation of such needs.
    - .142 Encouragement and assistance in developing and expanding the following in the community:
      - (a) Services which improve parent/guardian effectiveness, and which reduce the need for out-of-home care.
      - (b) Facilities which can provide care, supervision, and services to children.
      - (c) Services and activities which are beneficial to children.
      - (d) Services and activities which promote permanency alternatives for children in out-of-home care if efforts to reunify fail.
  - .15 Establish working relationships with the court which provide for methods of delineating the county's responsibility for the following:
    - .151 Maintenance of the confidentiality of public assistance and social service records of the parent(s)/guardian(s) and children during the necessary provision of information, evaluations, and recommendations for the court's use in determining its actions.

<b>31-005</b>	<b>CHILD WELFARE SERVICES PROGRAM SUPPORT ACTIVITIES</b>	<b>31-005</b>
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(Continued)

- .152 Enforcement of court orders.
- .153 Reporting of developments to the court.
- .16 Utilize volunteers as specified in Section 31-305.
- .17 Contact each health care facility in the county that provides acute care to infants to obtain the name, title and telephone number of the person who is designated by the health care facility to act as a liaison to the county for medically neglected infants as defined in Section 31-002(n)(1).
  - .171 The county shall, no less than once a year, recontact each health care facility in the county that provides acute care to infants to obtain any changes in the name, title and telephone number of the designated person.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 827, 10850, 16500, and 16501.1(f)(9) (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), Welfare and Institutions Code and 45 CFR 1340.15(c)(2)(ii).

<b>31-010</b>	<b>ADMINISTRATIVE REQUIREMENTS FOR EMERGENCY RESPONSE SERVICES</b>	<b>31-010</b>
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- .1 The county shall be permitted to establish an emergency response services unit in cooperation with neighboring counties, provided that the requirements specified in Welfare and Institutions Code Section 16502 have been met.

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- .11 Welfare and Institutions Code Section 16502 specifies as follows:

Child welfare services... shall be established in any county or combination of counties when a plan which includes financing of such services has been certified by the department.

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<b>31-010</b>	<b>ADMINISTRATIVE REQUIREMENTS FOR EMERGENCY RESPONSE SERVICES (Continued)</b>	<b>31-010</b>
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- .2 No application or inquiry into income or status shall be made for the purpose of determining eligibility for emergency response services.
- .3 The county shall maintain statistics on every emergency response services request or referral received.
  - .31 Such data shall be summarized and reported to the department on the preplacement preventive services report form.
- .4 The county shall retain completed emergency response protocol forms at a minimum of three years in accordance with Manual of Policies and Procedures Section 23-353.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10852, 10853, 16500, 16501, and 16502, Welfare and Institutions Code.

<b>31-015</b>	<b>TELEPHONE ACCESS FOR EMERGENCY RESPONSE SERVICES</b>	<b>31-015</b>
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- .1 Emergency response services shall include free public telephone access to emergency response staff at any time.
  - .11 The county shall arrange for toll-free long distance calls, or shall accept collect calls.
  - .12 The county shall be permitted to provide telephone answering services through community agencies, except that such services shall not be provided through law enforcement or probation agencies.
    - .121 Such agencies shall provide for immediate transfer to the county of any call alleging or pertaining to child abuse, neglect, or exploitation.
  - .13 A "911" telephone number shall not be the sole access to emergency response services unless the agency answering the telephone transfers all requests and referrals regarding child welfare services to the county.

<b>31-015</b>	<b>TELEPHONE ACCESS FOR EMERGENCY RESPONSE SERVICES</b>	<b>31-015</b>
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(Continued)

- .14 All calls shall be referred to an emergency response social worker unless the person answering the telephone is trained in screening incoming calls regarding child welfare services.
- .2 The emergency response telephone number shall be publicized by all of the following means:
  - .21 Telephone book and community resources directory listings.
    - .211 The county shall request that the emergency response telephone number be listed in the crisis line section or emergency pages of the local telephone directory.
  - .22 Distribution to schools, physicians, hospitals, and other entities likely to observe abused, neglected, and exploited children.
  - .23 Ongoing public awareness activities which encourage self-referrals.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16504, Welfare and Institutions Code.

<b>31-020</b>	<b>GRIEVANCE PROCEDURES</b>	<b>31-020</b>
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- .1 Grievance procedures shall be developed to review complaints from foster parents, legal parents, guardians, and children concerning the placement or removal of a child from a foster home. All issues shall be resolved in the best interest of the child.
- .2 Grievance reviews shall not be granted for the following issues:
  - .21 Removal of a child under any of the circumstances specified in Sections 31-440.21 through .25.
  - .22 Removal of a child or modification of services resulting from an administrative review panel determination.
  - .23 Removal of a child for direct placement into an adoptive home.
  - .24 Any complaint regarding only the validity of a law or of a statewide regulation.

<b>31-075</b>	<b>CASE RECORDS</b>	<b>31-075</b>
	(Continued)	

- (l) For children in out-of-home care, all available health and education reports regarding the child, including, but not limited to, dated documentation of the following:
  - (1) Provision of informational materials regarding the CHDP Program, as specified in Section 40-107.6, and the acceptance or refusal of the CHDP services.
  - (2) Offering of medical/dental transportation and scheduling assistance.
- (m) Any written modifications or prohibitions to the foster parent(s) privilege to give legal consent for the child, if applicable.
- (n) Any written parent/guardian consents required by the Division 31 regulations.
- (o) For children with histories of juvenile court involvement as actual or potential dependents, any documents submitted to or received from the court, including petitions and court reports.
- (p) For children who have been assessed as being seriously emotionally disturbed, the individualized education program designed for the child, if available.
- (q) Any information release(s) signed by the parent(s)/guardian(s) and/or child.
- (r) Any administrative review report recommendations.
- (s) When appropriate, the following forms or equivalent documentation, which have been approved by the Department:
  - (1) Court order to county to detain and/or to place child.
  - (2) Foster Child's Data Record (FCIS).
  - (3) Placement Agreement, Child/Agency.
  - (4) Placement Agreement, Parent/Agency.

<b>31-075</b>	<b>CASE RECORDS</b>	<b>31-075</b>
	(Continued)	

- (5) Agency/Emergency Shelter Care Provider Agreement.
  - (6) Court order to county relating to the provision of child welfare services to the child and/or family.
  - (7) Agency-Foster Parent Agreement.
  - (8) Agency-Group Home Agreement.
  - (9) Documentation that the foster family home of a relative or nonrelative extended family member meets the approval standards, including documentation of a caregiver assessment, health and safety inspection of the home and all required criminal records clearances.
- (t) Documentation of the reason(s) for the following, when applicable:
- (1) The child's transfer to another placement location.
  - (2) The child's out-of-county or out-of-state placement.
  - (3) The child's placement in a group home, including the following:
    - (A) A statement of the specific needs of the child which cannot be met if the child resides in a less restrictive environment.
    - (B) A description of the types and modalities of treatment program(s) offered and delivered to the child.
- (u) Documentation of any information provided to the placement services provider and/or respite care provider regarding the child's known or suspected dangerous behavior.
- (v) Documentation of the review and the results of the child's potential for adoption, which shall specify why a child who is not reunified with his/her family is not appropriate for adoption as defined in Welfare and Institutions Code Sections 366.26(c)(1)(A) through (D).

NOTE: Authority Cited: Sections 10553, 10554, 16002, and 16501, Welfare and Institutions Code and Assembly Bill 1695, Section 21. Reference: Sections 319, 361.3, 361.5, and 366.21 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 366.26(c), 16002, 16501, and 16501.1(e)(8), and (e)(9) (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), and 309(d), 319, 361.2, 727, 11402, and 16507.5(b), (as amended by Assembly Bill 1695, Chapter 653, Statutes of 2001), Welfare and Institutions Code; 45 CFR 1356.21(d); and Section 11170(b), Penal Code.

<b>31-405</b>	<b>SOCIAL WORKER RESPONSIBILITIES FOR PLACEMENT</b>	<b>31-405</b>
	(Continued)	

- (1) As required by Welfare and Institutions Code Section 361.3, a finding that the relative is not willing to adopt or seek guardianship for the child cannot be used as the sole basis for denying placement with a relative.
- (2) An assessment shall be conducted for the relative(s) and shall include but not be limited to the factors required in Welfare and Institutions Code Section 361.3.
- (d) Consider nonrelative extended family members identified by the social worker/probation officer as willing and appropriate to care for the child if no noncustodial parent, relative given preferential consideration, or relatives identified by the social worker/probation officer as willing and appropriate is available.
  - (1) An assessment shall be conducted for the nonrelative extended family member(s) and shall include but not be limited to the factors required in Welfare and Institutions Code Section 361.3.
- (e) Ensure that the requirements specified in Section 31-445 have been met prior to the placement of the child in the home of a relative or nonrelative extended family member.
- (f) Meet the requirements specified below when placing a child under the age of six in a group home:
  - (1) A child under the age of six shall not be placed in a group home unless one or more of the following conditions are met, and the placement facility meets the licensing standards specified in Title 22, Division 6, Subchapter 2:
    - (A) The placement will provide comprehensive diagnostic assessment to enable long-term decisions about the child's future.
    - (B) The placement meets the child's special treatment needs which can be met by the group home while program planning and testing occur to prepare the child for a less restrictive, permanent placement;
    - (C) The placement enhances and supports the case plan goal of family reunification with parents or kin or for adoption when no other suitable, less restrictive placement is available;
    - (D) The placement is for temporary shelter care and shall not be for more than thirty days and no other, less restrictive placement is available; or
    - (E) The placement will keep a sibling group together until a more suitable, less restrictive placement is found.

<b>31-405</b>	<b>SOCIAL WORKER RESPONSIBILITIES FOR PLACEMENT</b>	<b>31-405</b>
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- (F) Effective 1/1/2000, any child under the age of six shall be placed in a family like setting as defined in Title 22, Section 84201(f)(2). In the event such a setting is unavailable, the county shall request approval from the Department for any alternative placement in excess of 30 days. The Department has the authority to approve these placements if the request is in the best interest of the child and shall in no instance be detrimental to the health and safety of the child. The county welfare director shall submit the request to the Department with substantiating evidence supporting the request and specifying that the child has special needs that render the child extremely difficult to place, and there is no family like setting that can meet the child's special needs. The Department shall provide a written approval or denial of the request within 5 days of receipt of the request.
- (g) Ensure that a child under the age of six placed for temporary shelter care in a county operated or county contracted emergency shelter care facility, shall not be placed in the facility for more than thirty days.
  - (1) A county operated or county contracted emergency shelter care facility shall conform to all regulations in Title 22, Division 6, Subchapter 2 except as noted below:
    - (A) The facility shall be exempt from the licensing standards specified in Sections 84200(a)(2)(A) through (C).
    - (B) For an unlicensed county operated emergency shelter care facility only, the Plan of Operation required by Section 84222 must be kept only on file at the facility and need not be submitted to the Department for approval.
- (h) Meet the requirements specified in Section 31-515 when placing an Indian child.
- (i) Assist each child in understanding the reason(s) for placement.
- (j) Arrange for preplacement visitation between the child and the out-of-home care provider, if possible.
- (k) Assist each child to maintain his/her cultural and ethnic identity.
- (l) Monitor the child's physical and emotional condition, and take necessary actions to safeguard the child's growth and development while in placement.



Regulations	CHILD WELFARE SERVICES PROGRAM PLACEMENT	31-406 (Cont.)
31-406	<b>SOCIAL WORKER/PROBATION OFFICER RESPONSIBILITIES FOR PLACEMENT IN A COMMUNITY TREATMENT FACILITY</b> (Continued)	31-406

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### HANDBOOK CONTINUES

"3. An informal setting to minimize the anxiety of both parents and children and to promote cooperation and communication between all parties. All parties shall speak in terms the child understands and shall explain any terminology with which he is unfamiliar;

"4. The stipulation that formal rules of evidence are not applicable and that the standard for decision shall be by a preponderance of the evidence;

"5. The requirement that the hearing shall be closed to anyone other than the child, his parents or parent, the child's attorney, the person conducting the hearing, the professional person presenting evidence in favor of the commitment, and other persons requested to be in attendance by the child or by the child's attorney.

"6. Assistance provided by an attorney to the child who shall be allowed to call witnesses, examine evidence, present evidence on his own behalf and question persons presenting evidence in support of the admission; and

"7. Maintenance of a record of the proceedings adequate to permit meaningful judicial or appellate review which shall be confidential in accordance with Section 5328 of the Welfare and Institutions Code."

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### HANDBOOK ENDS HERE

- .13 A written authorization from the placing county's Interagency Placement Committee certifying that the child is in need of the level of care and services provided by the community treatment facility and to the appropriateness of the following documentation:
  - .131 The written statement by a licensed mental health professional that demonstrates the child meets the requirements of Section 31-406.11.
  - .132 Informed consent is given by the child, the child's parents or the parent having sole legal custody and control of the child, or the conservator as specified in Section 31-406.12.
  - .133 The findings and order by the pre-admission administrative hearing officer specifying that all of the findings specified in Section 31-406.124 have been made for a child 14 through 17 years of age under parental custody who has not waived his or her right to a pre-admission hearing.

31-406	<b>SOCIAL WORKER/PROBATION OFFICER RESPONSIBILITIES FOR PLACEMENT IN A COMMUNITY TREATMENT FACILITY</b> (Continued)	31-406
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NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 4094, 4094.5, 4094.6, 4094.7, 5585.58, and 5600.3, Welfare and Institutions Code; Sections 1502 and 1502(a)(8), Health and Safety Code, and In re Roger S. (1977) 19 Cal. 3d 921.

31-410	<b>TEMPORARY PLACEMENT</b>	31-410
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- .1 Temporary placement services shall consist of emergency shelter care and out-of-home respite care.
- .2 Temporary placement services shall be provided when the social worker has considered and/or used in-home services and has determined that the provision or continued provision of these services will not safely maintain the child in his/her own home.
- .3 Emergency shelter care services shall be provided as specified in Section 31-415.
- .4 When selecting a temporary placement for the child, the social worker shall adhere to the following priority order:
  - .41 The home of a relative, including the non-custodial parent, in which the child can be safely placed on a temporary basis. Such a determination shall be based on an emergency assessment as defined in Section 31-002(e)(2).
  - .42 A licensed or approved foster family home, licensed small family home, or a licensed foster family agency for placement in a family home which has been certified by the foster family agency, a county-operated emergency shelter care facility.
    - .421 A child under the age of six who is placed in a county operated or county contracted emergency shelter care facility for thirty days or less shall be cared for by a Primary Caregiver as defined in Section 31-002(p)(7).

<b>31-410</b>	<b>TEMPORARY PLACEMENT (Continued)</b>	<b>31-410</b>
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.43 A licensed group home.

.431 Group home placements shall be subjected to the additional criteria specified in Sections 31-420.241(a) and (b).

.432 Group home placements of children under the age of six shall be subject to the additional criteria specified in Section 31-405.1(b).

| .5 The county welfare department or probation department shall begin an assessment for a relative or nonrelative extended family member, as defined in Welfare and Institutions Code Section 319, who either has requested placement of a child pending the detention hearing or whom the social worker/probation officer has identified as willing to provide care for a child pending the detention hearing.

| .51 The assessment shall include, but is not limited to, all of the following:

| .511 An in-home inspection to assess the safety of the home as required in Welfare and Institutions Code Section 309(d).

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## 31-410 TEMPORARY PLACEMENT (Continued)

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- (a) Welfare and Institutions Code Section 309(d) provides:

“(d)(1) If an able and willing relative, as defined in Section 319, or an able and willing nonrelative extended family member, as defined in Section 362.7, is available and requests temporary placement of the child pending the detention hearing, the county welfare department shall initiate an assessment of the relative’s or nonrelative extended family member’s suitability, which shall include an in-home inspection to assess the safety of the home and the ability of the relative or nonrelative extended family member to care for the child’s needs, and a consideration of the results of a criminal records check and a check of allegations of prior child abuse or neglect concerning the relative or nonrelative extended family member and other adults in the home. Upon completion of this assessment, the child may be placed in the approved home.

“(2) The standards used to evaluate and grant or deny approval of the home of the relative and of the home of a nonrelative extended family member, as described in Section 362.7, shall be the same standards set forth in regulations for the licensing of foster family homes which prescribe standards of safety and sanitation for the physical plant and standards for basic personal care, supervision, and services provided by the caregiver.

“(3) If a relative or nonrelative extended family member meets all other conditions for approval, except for the receipt of the Federal Bureau of Investigation’s criminal history information for the relative or nonrelative extended family member, and other adults in the home, as indicated, the county welfare department may approve the home and document that approval, if the relative or nonrelative extended family member, and each adult in the home, has signed and submitted a statement that he or she has never been convicted of a crime in the United States, other than a traffic infraction as defined in paragraph (1) of subdivision (a) of Section 42001 of the Vehicle Code. If, after the approval has been granted, the department determines that the relative or nonrelative extended family member or other adult in the home has a criminal record, the approval may be terminated.”

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.512 As assessment of the relative's ability to provide temporary care for the child.

.513 The results of a criminal records check conducted through the California Law Enforcement Telecommunications System (CLETS) on all persons 18 years of age or older residing in the home, pending the receipt of DOJ fingerprint clearance.

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- (a) Penal Code Section 16504.5 specifies in pertinent part:

(a) Notwithstanding any other provision of law, pursuant to subdivision (b) of Section 11105 of the Penal Code, a child welfare agency may secure from an appropriate governmental agency the state summary criminal history information, as defined in subdivision (a) of Section 11105 of the Penal Code, through the California Law Enforcement Telecommunications System for the following purposes: ...

(f) Nothing in this section shall preclude a relative or other person living in a relative's home from refuting any of the information obtained by law enforcement if the individual believes the criminal records check revealed erroneous information.

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- .514 The results of a Child Abuse Central Index (CACI) check conducted on all persons 18 years of age and older residing in the home.
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- (a) Penal Code Section 11170(b)(5) in summary states that when Child Abuse Central Index information is released by the Department of Justice for the temporary placement of a child, the child protective services agency or court investigator is responsible for notifying, in writing, the person listed in the Child Abuse Central Index that he/she is in the index. The notification shall include the name of the reporting agency and the date of the report.
- (b) Penal Code Section 11170(b)(6)(A) in summary requires persons or agencies who receive Child Abuse Central Index information for purposes of licensing, adopting or placing a child to obtain the underlying report from the reporting agency and make their own independent assessment regarding the quality of the evidence disclosed and its sufficiency for making decisions regarding the placement of a child which will be the most appropriate placement and in the best interest of the child.

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**HANDBOOK CONTINUES**

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<b>31-410</b>	<b>TEMPORARY PLACEMENT (Continued)</b>	<b>31-410</b>
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**HANDBOOK CONTINUES**

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- .52 A copy of the written assessment may be made available to the appropriate adoption agency in the event that the relative(s) considered is assessed as being able and willing to provide a legally permanent home for the child, so that an abbreviated adoption assessment may be made if adoption becomes the permanency alternative implemented for the child.

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- .6 The temporary placement shall be based on the following needs of the child including, but not limited to:
- .61 The least restrictive, most family-like environment.
  - .62 The child's age and sex.
  - .63 The child's health and any special needs of diet, medical or psychological care.
  - .64 The possible need for access to or protection from the child's parent(s)/guardian(s).
  - .65 The protective needs of the community.
  - .66 The most appropriate placement selection.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code and Assembly Bill 1695, Section 21. Reference: Sections 309 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 319 (as amended by Senate Bill 2232, Chapter 1530, Statutes of 1990), 319(d) (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 309, 309(d), 319, 319(f), 361.2(h), 362.7, 727, 11402, and 16507.5(b) (as amended by Assembly Bill 1695, Chapter 653, Statutes of 2001), 361.2(b) and (g), 366(c), 11467.1, and 16501.1(c), Welfare and Institutions Code; Section 1530.8, Health and Safety Code; Sections 11170(b)(5) and 11170(b)(6) (as amended by Senate Bill 644, Chapter 842, Statutes of 1997), Penal Code; and 42 U.S.C. Section 675(1)(A).

<b>31-415</b>	<b>EMERGENCY SHELTER CARE</b>	<b>31-415</b>
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- .1 Provision of emergency shelter care shall not exceed 30 calendar days in any one episode that requires removal of the child except as follows:
  - .11 The county shall be permitted to provide emergency shelter care beyond 30 calendar days only when the case record documents the existence of one of the following circumstances:
    - .111 Emergency shelter care is necessary to meet the continuing protective needs of the child, and there is no other location wherein these protective needs can be met.
    - .112 The child has special needs which render him/her extremely difficult to place, and there is no other location available wherein these special needs can be met.
  - .12 The circumstances permitting extension of emergency shelter care beyond 30 calendar days shall be reviewed and the extension approved in writing by an administrative official higher than a first-level supervisor.
- .2 In no event shall federal and/or state funds appropriated for the purpose of providing any of the child welfare services specified in Division 31 be provided for emergency shelter care beyond 30 calendar days in any one episode except as follows:
  - .21 Each county is permitted to utilize county-only funds to draw down federal financial participation under the Emergency Assistance program, with no state share of cost, in order to provide emergency shelter care beyond 30 calendar days in any one episode if:
    - .211 the child is from a needy family authorized to receive Emergency Assistance funding in accordance with provisions in the Title IV-A State Plan implementing 45 CFR 233.120; and
    - .212 the circumstances specified in Section 31-415.1 are documented in the child's case record.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16501(a)(3), Welfare and Institutions Code and 45 CFR 233.120.



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- .212 A copy of the written assessment made pursuant to Welfare and Institutions Code Section 361.3 may be made available to the appropriate adoption agency in the event that the relative(s) considered agree to become a permanency planning family, so that an abbreviated adoption assessment may be made if adoption becomes the permanency alternative implemented for the child. See Section 31-410.513(a) and Sections 31-410.514(a) and (b).

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- .213 When a child is placed under such circumstances, the foster home shall be exempt from licensure pursuant to Health and Safety Code Section 1505. Prior to placement, the exempt home shall be approved as meeting the requirements specified in Section 31-445 which incorporates California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3, Foster Family Home.
- .22 A licensed foster family home, licensed small family home, or a licensed foster family agency for placement in a family home which has been certified by the foster family agency.
- .23 A licensed group home.
- .231 Placements in group homes shall be subject to the following additional requirements:
- (a) The following conditions shall exist and shall be documented in the case plan:
    - (1) Placement is necessary to meet the treatment needs of the child.
    - (2) The group home has a treatment program that meets such treatment needs.
  - (b) The social worker shall also document in the case record the reason(s) for the following:

31-420	FOSTER CARE PLACEMENT (Continued)	31-420
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.232 For a child under the age of six, the social worker shall document in the case plan that the placement meets the requirements specified in Section 31-405.1(b) or in Section 31-405.1(c), whichever is applicable.

- (1) A statement of the specific needs of the child which cannot be met if the child resides in a less restrictive environment.
- (2) A description of the types and modalities of treatment program(s) offered and delivered to the child.

.25 A licensed community treatment facility.

.251 Placements in community treatment facilities shall be subject to the following additional requirements.

(a) The following conditions shall exist and shall be documented in the case plan:

- (1) Placement is necessary to meet the mental health needs of the child.
- (2) The community treatment facility has a program that meets such mental health needs.

(b) The social worker/probation officer shall also document in the case record the reason(s) for the following:

- (1) A statement of the specific needs of the child which cannot be met if the child resides in a less restrictive environment.
- (2) A description of the types and modalities of treatment program(s) offered and delivered to the child.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code and Assembly Bill 1695, Section 21. Reference: Sections 361.2(b), 361.2(e)(2) and (3), 361.3 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 309(d), 319(f), 361.2(h), 727, 11402, and 16507.5(b) (as amended by Assembly Bill 1695, Chapter 653, Statutes of 2001), 366(c), 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 16501.1(b) and (c), 11467.1, and 16507.5(b), Welfare and Institutions Code; Sections 1502, 1502(a)(8), and 1530.8, Health and Safety Code; Section 275, Civil Code; 42 U.S.C. Section 671(1)(A); and Public Law 105-89 (Adoption and Safe Families Act of 1997).

31-440	<b>FOSTER PARENT(S) NOTIFICATION REQUIREMENTS</b> (Continued)	31-440
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| .21 | The child is in immediate danger.  |
| .22 | A signed waiver of notice has been obtained from the foster parent(s), as specified in Section 31-440.11.  |
| .23 | A court has ordered the child's removal.   |
| .24 | Adverse licensing or approval actions have occurred that prohibit the foster parent(s) from continuing to provide services.  |
| .25 | Removal of a voluntarily placed child is made or requested by the child's parent(s)/guardians.   |
| .26 | The child is removed from an emergency placement.  |
| .3  | For foster parents providing permanent placement services the social worker shall provide the foster parent(s) with written notice explaining the court order that permanent placement services be terminated.   |
| .31 | The county shall be permitted to use a copy of the court report or modified service plan for purposes of notifying the foster parent(s), if appropriate.   |
| .4  | A relative or nonrelative extended family member whose home has been deemed not to meet the approval standards shall be given notice that their home does not meet approval standards and that they have access to the grievance procedures set forth in MPP Section 31-020, provided they appeal the agency's decision in writing within 5 working days of their receipt of the notice. |

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Assembly Bill 1695, Section 21. Reference: Section 16501, Welfare and Institutions Code; and Assembly Bill 1695 (Chapter 653, Statutes of 2001).

<b>31-445</b>	<b>REQUIREMENTS FOR APPROVAL OF RELATIVE AND NONRELATIVE EXTENDED FAMILY MEMBER FOSTER FAMILY HOMES</b>	<b>31-445</b>
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| <div><div>.1</div><div>Prior to the placement of a child in a relative or nonrelative extended family member home, the child welfare agency shall assess the home and the caregiver to the approval standards by completing the following requirements:</div></div> | <div><div>.11</div><div>An assessment of the prospective caregiver's ability and desire to meet the child's specific needs.</div></div> <div><div>.12</div><div>An in-home evaluation of the home to verify that the home meets the health and safety standards set out in Title 22, Division 6, Chapter 9.5, Article 3 of the California Code of Regulations and has no safety defects that could pose a hazard to the child.</div></div> <div><div>.13</div><div>Verification that the proposed caregiver, all adults living in the home and all other non-exempt adults having routine contact with the child have a criminal record clearance or exemption and Child Abuse Central Index Clearance pursuant to Health and Safety Code Sections 1522 and 1522.1 and Welfare and Institutions Code Section 361.4.</div></div> |
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| <div><div>.131</div><div>Approval will be denied if the Child Abuse Central Index Clearance request is denied pursuant to Health and Safety Code Section 1522.1 and Welfare and Institutions Code Section 361.4(c).</div></div>   |  |
| <div><div>.132</div><div>Approval will be denied if the Department of Justice fingerprint clearance request is denied and a criminal record exemption is not granted pursuant to Health and Safety Code Sections 1522(d) and 1522(g), and Welfare and Institutions Code Section 361.4(c).</div></div>   |  |
| <div><div>.133</div><div>If, subsequent to approval, an FBI rap sheet is received indicating an arrest(s), the approval agency must investigate the underlying facts of the arrest. If, subsequent to approval, an FBI rap sheet is received indicating a conviction, the approval agency must process it as an initial or subsequent conviction as applicable, pursuant to Health and Safety Code Section 1522(d)(4)(D).</div></div> |  |

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<b>31-445</b>	<b>REQUIREMENTS FOR APPROVAL OF RELATIVE AND NONRELATIVE EXTENDED FAMILY MEMBER FOSTER FAMILY HOMES (Continued)</b>	<b>31-445</b>
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.14 Verification shall be obtained that the following have occurred:

.141 The caregiver has been provided an orientation on the child welfare system, the caregiver's role and responsibilities as a foster parent, and a summary of the approval standards for foster family homes.

.142 The caregiver has been provided with a summary of the rights of children in out-of-home care and has agreed to provide a copy to the child upon placement.

.2 Prior to the issuance of an approval document the agency must ensure the caregiver and home meet all the standards in California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3, Caregiver Standards.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Assembly Bill 1695, Section 21. Reference: Sections 309, 319, 361.2, 361.3, 361.5, 362.7, 366, 366.1, 727, 11400, 11401, 11402, 11461, 16504.5, 16507.5, 16507.5(b), and 16518, Welfare and Institutions Code; Section 11105.2, Penal Code; and Sections 1505, 1521.5, 1521.6, 1522, and 1525.5, Health and Safety Code.

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